

5:05cv265

Defendants.

ORDER

To the extent defendants still wish to have their discovery motions filed in December 2007 decided upon after the parties have an opportunity to reevaluate their respective legal positions in light of the instant Order, the Court will entertain such a motion at counsel's request.

Order, Docket Entry 65, at f.n.5. Despite the passage of more than 60 days, defendants have not filed any such motion. The court will deem such motions moot.

This case is now the second oldest matter pending in the Statesville Division and is eligible for placement on the next trial calendar. There is, however, the possibility that this Order has caught the parties off guard and that they are in need of additional time for discovery or to file motions. The court will entertain any such joint request filed not later than the close of business on October 22, 2008. The respective parties are advised that it is the goal of this court to have this matter either resolved or tried before the new year.

ORDER

IT IS, THEREFORE, ORDERED that motions #51 and #53 are **DENIED** as **MOOT**. The court will entertain any joint motion to reopen and enlarge deadlines filed not later than the close of business on October 22, 2008.

Signed: October 16, 2008



Dennis L. Howell
United States Magistrate Judge

